HIGH COURT OF UTTARANCHAL AT NAINITAL.
Writ Petition no. 1136 (S/S) 2005

Smt. Urmila Nautiyal W/o Sri Brham Prakash Nautiyal,
Presently posted as Head Mistress,
Primary school, Matli (Dunda),
District Uttarkashi. ---------Petitioner.

Vs.

1. State of Uttaranchal through
   District of Education,
   Uttaranchal Sashan, Dehradun.
2. District Education Officer Uttarkashi,
   District Uttarkashi,
3. Addl. District Education Officer (Basis),
   Uttarkashi. ---------- Respondents

Sri H.M. Raturi, learned counsel for the petitioner.
Learned Standing Counsel for drespondents.

Hon'ble M.M.Ghildiyal, J.

Heard Sri H.M. Raturi, learned counsel for the petitioner and learned Standing Counsel for the State who has accepted noticed for the respondents.

The petitioner who is Head Mistress in Primary School, Matli Block Daunda, district Uttarkashi, has challenge the transfer order dated 30.06.2005 passed by the District Education Officer, Uttarkashi transferring her from Primary School, Matli to Primary School Makora Block Dunda, district Uttarkashi.

The petitioner has challenge the impugned transfer order on the ground that she is suffering from heart ailment. In support of her contention the petitioner has filed a certificate issued by Medical Officer, District Hospital, Uttarkashi whereby the doctor has advised regular cardiac monitoring for restoration of her normal health.

Submission of the petitioner is that the place to which the petitioner has been transferred is 5 kms. Away from the motor head and is situated on the steep height; no medical facility is available there; and even no primary health center is located there.

The petitioner has already submitted her representation on 24th May 2005 explaining her difficulties to the Addl. District Education Officer (Basis), Uttarkashi and after her transfer she has further moved her representation on 02.08.2005 to the same Authority.

In the circumstances mentioned above, the Additional District Education Officer (Basic), Uttarkashi is directed to take decision on the representation of the petitioner within a period of four weeks from the date of production of a certified copy of this order. While deciding the representation, the respondent no. 3 shall take into consideration the certificate issued by the Medical Officer wherein the doctor has certified that the petitioner requires regular cardiac monitoring. The respondent shall also consider the fact that the place at which the petitioner has been posted stands with acute shortage of medical facilities; even there is no Primary Health Center available at Makora (Dunda) district Uttarkashi.

Till the representation is decided, the petitioner shall not be relieved from her present place of posting at Primary School, Matli, Block Dunda, district Uttarkashi.

With these direction, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

August 11, 2005:
NCM: